

ASSEMBLY BILL

No. 827

Introduced by Assembly Member Hagman

February 21, 2013

An act to amend Section 109 of the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as introduced, Hagman. Department of Consumer Affairs.

Existing law establishes the Department of Consumer Affairs, within the state government, comprised of boards and bureaus, including, but not limited to, the Dental Board of California and the Medical Board of California. Except as otherwise provided, the decisions of any of the boards comprising the department, with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are not subject to review by the Director of Consumer Affairs, but are final within the limits provided by the code provisions which are applicable to the particular board.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 109 of the Business and Professions Code
- 2 is amended to read:
- 3 109. (a) The decisions of any of the boards comprising the
- 4 department, with respect to setting standards, conducting

1 examinations, passing candidates, and revoking licenses, are not
2 subject to review by the director, but are final within the limits
3 provided by this code ~~which~~ *that* are applicable to the particular
4 board, except as provided in this section.

5 (b) The director may initiate an investigation of any allegations
6 of misconduct in the preparation, administration, or scoring of an
7 examination ~~which~~ *that* is administered by a board, or in the review
8 of qualifications ~~which~~ *that* are a part of the licensing process of
9 any board. A request for investigation shall be made by the director
10 to the Division of Investigation through the chief of the division
11 or to any law enforcement agency in the jurisdiction where the
12 alleged misconduct occurred.

13 (c) The director may intervene in any matter of ~~any~~ *a* board
14 where an investigation by the Division of Investigation discloses
15 probable cause to believe that the conduct or activity of a board,
16 or its members or employees constitutes a violation of criminal
17 law.

18 The term “intervene,” as used in paragraph (c) of this section
19 may include, but is not limited to, an application for a restraining
20 order or injunctive relief as specified in Section 123.5, or a referral
21 or request for criminal prosecution. For purposes of this section,
22 the director shall be deemed to have standing under Section 123.5
23 and shall seek representation of the Attorney General, or other
24 appropriate counsel in the event of a conflict in pursuing that
25 action.